

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

LESLIE AKERS, and	)	
MARY AKERS, his wife,	)	
	)	
Counterclaim Defendants,	)	
	)	
v.	)	No. 4:13-cv-00794-DGK
	)	
AUTO-OWNERS (MUTUAL)	)	
INSURANCE COMPANY,	)	
	)	
Counterclaim Plaintiff.	)	

**ORDER GRANTING MOTIONS IN LIMINE**

This case concerns insurance coverage for a fire which occurred at Leslie and Mary Akers' home. The Akers initiated this lawsuit, alleging that Defendant Auto-Owners (Mutual) Insurance Company ("Auto-Owners") failed to pay the full amount due under their homeowner's policy. Auto-Owners denied the allegations, noting that it paid more than \$3.5 million under the policy.

During discovery, Auto-Owners allegedly discovered evidence that the Akers prepared fraudulent bills, invoices, and canceled checks to inflate their losses. Auto-Owners then filed a counterclaim alleging that the Akers' conduct violated the policy's anti-fraud provision. The counterclaim seeks a declaratory judgment that the policy is void and that Auto-Owners is entitled to reimbursement of all amounts paid out under the policy, as well as its attorneys' fees and costs incurred in defending this lawsuit.

After Auto-Owners filed its counterclaim, the Akers dismissed their claim with prejudice. Auto-Owners, however, is still pursuing its counterclaim.

Now before the Court are two unopposed motions related to the upcoming trial in this case: Auto-Owners “Motion to Exclude Non-Party Witnesses from the Courtroom” (Doc. 98) and its “Motion in Limine to Exclude Testimony from Expert Witnesses Not Disclosed in Accordance with Rule 26” (Doc. 99). The former asks that all non-party lay witnesses be excluded from the courtroom until called to testify. The latter seeks to exclude the Akers from offering testimony from any expert witnesses because they did not comply with Rule 26. More specifically, Auto-Owners contends that Ben Cerra, a contractor, did not provide the requisite expert report disclosing the subject matter on which he will testify or a summary of the facts and opinions of his testimony.

For good cause shown, the motions are GRANTED.

**IT IS SO ORDERED.**

Date: January 2, 2015

/s/ Greg Kays  
GREG KAYS, CHIEF JUDGE  
UNITED STATES DISTRICT COURT